

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KATHERINE DOYLE,

Plaintiff,

-v-

AMERICAN GLORY RESTAURANT CORP., ET AL.,

Defendants.

23 Civ. 7624 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On April 30, 2024, plaintiff filed a motion to dismiss defendants' counterclaim under Rule 12 of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a party has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that defendants shall file any amended counterclaim by May 21, 2024. No further opportunities to amend will ordinarily be granted. If defendants do amend, by June 11, 2024, plaintiff shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying defendants, stating that she relies on the previously filed motion to dismiss.<sup>1</sup>

It is further ORDERED that if no amended complaint is filed, defendants shall serve any opposition to the motion to dismiss by May 21, 2024. Plaintiff's reply, if any, shall be served by May 28, 2024. At the time any reply is served, the moving party shall supply the Court with two (2) courtesy copies of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York 10007.

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<sup>1</sup> If plaintiff files a new motion to dismiss or rely on their previous motion, defendants' opposition will be due 14 days thereafter, and plaintiff's reply, if any, will be due seven days after that.

SO ORDERED.

A handwritten signature in blue ink, reading "Paul A. Engelmayer".

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PAUL A. ENGELMAYER  
United States District Judge

Dated: May 3, 2024  
New York, New York